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LITTLE BOAR'S HEAD
DISTRICT

Annual Report

1958-1959

Fiscal Year Ending

AUGUST 31, 1959

NEW HAMPSHIRE
STATE LIBRARY

Little Boar's Head District

OFFICERS FOR 1958-1959

Moderator, WILLIAM P. FOWLER

Clerk, RALPH H. GEORGE

Commissioners,
WILLIAM P. FOWLER
ROBERT A. SOUTHWORTH
PERCY C. ROGERS

Treasurer, RALPH H. GEORGE

Auditor, PHILIP FOWLER

Zoning Board of Adjustment

E. FRANCIS BOWDITCH (to 9/15/63)
PERCY C. ROGERS (to 9/15/62)
EDWARD R. HALE (Chairman) (to 9/15/61)
ROBERT A. SOUTHWORTH (to 9/15/60)
RALPH H. GEORGE (to 9/15/59)

Zoning Inspector, WILLIAM P. FOWLER

District Warrant

STATE OF NEW HAMPSHIRE — ROCKINGHAM, SS.

To the Inhabitants of Little Boar's Head District, a village district in the Town of North Hampton, organized under provisions of Chapter 196, Session Laws of 1905, qualified to vote in District Affairs:

You are hereby notified to meet at the barn of MRS. THEODORE GRIFFITH on Atlantic Avenue in said District on the first Tuesday of September next (the 1st day of the month), at eight o'clock in the evening (8:00 P. M.), Daylight Saving Time, for the following purposes:

1. To elect a moderator, a clerk, three commissioners, a treasurer, and an auditor for the ensuing year.

2. To hear the reports of the clerk, treasurer, and other officers of said District, and to take such action as may be desired in regard to same.

3. To take such action as you may desire in regard to allowing a five per cent discount on district taxes paid on or before a date to be fixed by the commissioners and within about one month after the date of mailing of district tax bills.

4. To see if the District will vote to purchase a new life boat, with necessary equipment and to appropriate a sum not exceeding \$300.00 for the same; and to authorize the commissioners to sell the old boat.

5. To see if the District will vote to accept in whole or in part the budget as submitted by the Municipal Budget Committee.

6. To raise and appropriate such sums of money as may be needed for the purposes included in the budget, including (under the caption of "Miscellaneous" if not otherwise therein referred to) the extinguishment of fires, the lighting or sprinkling of streets, the planting and care of shade and ornamental trees, the supply of water for domestic and fire purposes, the construction and maintenance of sidewalks and main drains or common sewers, the construction, maintenance, and care of parks or commons, the maintenance of activities for recreational promotion, the control of pollen, insects and pests, the appointing and employing of watchmen and police officers, the enacting and enforcing of zoning regulations and all other district expenses for the ensuing year.

7. To take such action as you may wish in regard to giving the treasurer of the District authority to borrow money in anticipation of taxes.

8. To transact such other business as may legally come before said meeting.

Given under our hands and seal this 14th day of August, A. D., 1959.

WILLIAM P. FOWLER,
PERCY C. ROGERS,

Commissioners of Little
Boar's Head District.

A true copy. Attest:

WILLIAM P. FOWLER,
PERCY C. ROGERS,

Commissioners.

We hereby certify that on the 14th day of August, 1959, we posted a true and attested copy of the above warrant on the telephone pole on Atlantic Avenue opposite the place of said meeting, and a like copy on the door of the District's Fire House on Sea Road, public places in said District.

WILLIAM P. FOWLER,
PERCY C. ROGERS,

Commissioners.

(Property owners as well as voters are invited to the meeting)

Commissioners' Report

1958 - 1959

I. *Fire Protection.* This spring we had our fire hose tested, through the courtesy of the North Hampton Fire Department and their chief, Curtis Marston. All sections (500 feet in all) on the reel in our Fire Station were found defective because of age, and have been discarded. Our second reel, with its 500 feet of hose and equipment, formerly kept (without charge) in the late ex-Governor Alvan T. Fuller's barn on Willow Avenue, could not be located, and was found to have been hauled away to the dump a year ago, in a clean-up of the Fuller barn following the ex-Governor's death. Mrs. Fuller, just prior to her death this summer, generously gave the District \$375.00 to compensate for the loss and to be applied to the cost of new hose. We have now purchased 500 feet of new hose at an advantageous price, and plan to maintain hereafter only one hose reel, in the District Fire House, with annual tests by the North Hampton Fire Department. Formerly the Board of Fire Underwriters required us to maintain two hose reels, but no longer requires any, in view of the improved regular fire department at North Hampton and the mutual aid available from neighboring fire departments.

II. *Sidewalks.* Our walks suffered no storm damage last winter. We have had the usual expense of maintenance for the plank walks at Bass Beach and Lewis Cove, have repaired damaged sections of concrete walk on Sea Road, and maintained the steps down to Rocky Beach. We have also painted the guard rails along the Boulevard sidewalks, and persuaded the

State Highway Department to replace the old highway rail on the south side of upper Atlantic Avenue. The State Highway Department has completed the repairs of the 1958 erosion on the face of the Head, and has promised to replace the sections of our walk broken in the process. The short section of walk destroyed in 1958 south of the Fish Houses should be replaced to connect with the walk along the granite breakwater.

III. *Control of Insects.* This summer has been unusually wet, with consequent increase of mosquitoes. We have controlled them as far as possible with D.D.T. spraying every two or three weeks. The theory of these sprays is to create belts in which the mosquitoes die upon alighting. These sprays have been omitted along the property of owners so requesting.

IV. *Policing.* The Town of North Hampton voted at its meeting last March to reimburse us for one half the expense of our lifeguard, not exceeding \$300.00. This payment will be received in our coming fiscal year, at the end of the summer season. Our present life-boat was bought in 1950, and we are asking for an appropriation with which to replace it next spring, by a modern boat of lighter weight, and for permission to sell the old boat.

V. *Erosion of Beaches.* Two of your commissioners have been made members of the Seacoast Erosion Committee; and we have submitted detailed recommendations in behalf of this District to the Corps of Army Engineers who conducted an erosion control survey of our coastline last fall.

No serious erosion took place last winter; and this spring Walter L. Barker generously gave our District some 36 truck loads of sand (from Hampton North

Beach) spread at his expense on our beach from the Fish Houses south.

This summer there has been more sand on the upper part of our bathing beach, though there are still many rocks exposed at half tide.

VI. *Parks and Commons.* The attractive flower garden northeast of the Fish Houses has been maintained by the Garden Club, as in the past, with the help of a yearly payment of \$150.00 from us. The two payments in our fiscal year ending August 31, 1959, were for the summer of 1958 and the summer of 1959.

The similar area south of the Fish Houses contains shrubs given by Walter L. Barker, and we have cut the grass here. We propose to maintain it in the future, and to plant more rugosa roses, for which both Mr. Barker and William P. Fowler have offered to donate roots.

Our largest expense for parks and commons is for the picking up of papers on our beach and along our highways. We have also paid for signs indicating that the beach is closed from midnight to sunrise, and for other signs as required.

VII. *Drains and Sewers.* Your commissioners believe that, as our beaches are used for swimming and recreation, the matter of pollution by drains is important. The New Hampshire Water Pollution Commission informs us that:

(a) Coastal waters have not been classified by the Legislature as yet, and, until they are, the Pollution Commission policy requires that all outfalls installed since 1947 must be provided with settling facilities or

their equivalent (i.e. septic tanks). Outfalls installed prior to this may continue if there is no nuisance.

(b) When the coastal waters are classified, it is anticipated that their classification will be at the swimming quality level (Class B-1). At that time, and in that event, treatment of sewage discharged into these waters will be necessary. This treatment will be "in excess of just settling".

We interpret the above to mean that present drains may continue until such time as the Legislature classifies the coastal waters. After that these drains emptying into the ocean will require some treatment that provides at least as great safety as septic tanks. This might mean a leaching or similar system. In the meantime, it is suggested that, as a matter of public interest, property owners with drains emptying into the ocean ensure that:

(a) The drains are tight, in good repair, and operate properly.

(b) They extend well below mean high water so that any effluence may be flushed away by the tides.

VIII. *Zoning.* The suit of *Vlahos Realty Company, Inc. vs. Little Boar's Head District et al.* was argued last October, and decided by the New Hampshire Supreme Court on November 8, 1958. The Court held that the variance granted by our Board of Adjustment in 1947 (allowing Sawyer's Ice Cream Stand to be operated under certain conditions despite its having been closed during the War) was valid except as to Condition 9, which required an annual renewal of the permit for the operation of the stand. The other eight conditions were upheld in an opinion quoted in part below:

"We conclude that condition 9 was beyond the statutory power of the Board of Adjustment and invalid, and that the device of an annual nontransferable permit good only for a specific person and subject to revocation is not sanctioned by the zoning statutes of this state as the price of granting a variance.

"In order not to cast a cloud of infirmity on conditional variances, which attach to the land and not to the person reference is made to the other conditions applicable to the premises. Condition 1 limited the retail sales principally to those articles that were sold previously under the pre-existing nonconforming use by the plaintiff's predecessor in title. This was proper even though additional articles could be sold without danger to public health, welfare or safety. Such limitation on nonconforming uses is one method of preventing variances from nibbling away at the main objective of zoning which looks to the future. . . . Conditions 2 and 3 required that the premises be kept neat and clean and that receptacles be provided for refuse and papers. These were reasonable restrictions as was condition 4 which called for adequate toilet facilities on the premises.

"Condition 5 restricted the lights and signs to conform substantially with the previous nonconforming uses and was unobjectionable. . . . Condition 6 regulating the closing hours at 11 P. M. was presumptively valid for the same reason. Condition 7 requiring a fence or railing in the rear of the premises was reasonable. . . . Condition 8 prohibiting radios or loud speakers disturbing to abutting owners was likewise presumptively valid.

"In conclusion we hold that the variance granted by the board of adjustment is valid except as to condition

9 and the requirement of an annual renewal of the permit which were beyond the statutory power of the board.”

Following the Supreme Court’s decision, the prayers for injunctions were dropped on stipulation by plaintiff’s counsel that the plaintiff would comply with the Supreme Court’s decision. At the moment the only matters not yet complied with are the erection of a fence or railing under Condition 7, and the continued use of the residential portion of plaintiff’s lot for business purposes. Our Zoning Inspector is attempting to settle these points before another season.

IX. *Municipal Budget Law.* The Town of North Hampton, at its meeting last March, adopted the Municipal Budget Law; and a Municipal Budget Committee of nine members has been established, including William P. Fowler as an *ex officio member* from our Board. Among the duties of this Committee is the preparation of a budget for this village district. Pursuant thereto the Committee has prepared a budget (printed following this report) for our coming annual meeting, of \$4,050.00 proposed expenditures, to be offset by \$1,700.00 estimated revenue and surplus, and leaving \$2,350.00 to be raised by taxation. The items of this budget may be considered together or separately at our meeting, and increased or decreased, so long as the total appropriations are not increased by more than ten percent of the \$4,050.00 recommended, that is, not by more than \$405.00.

Under the Municipal Budget Law no appropriation can be made for any purpose not included in this budget, but it is our interpretation that the item “Miscellaneous” is broad enough to include all lawful purposes listed in our warrant. The officers of the District

may not expend funds during the ensuing fiscal year in excess of the money appropriated for each purpose, except that an unexpended balance may be transferred by the Commissioners from one appropriation to another, provided the total expended does not exceed the total appropriated.

This development has added new burdens to this District and its officers. In the past we have kept a sufficient reserve to avoid borrowing money in anticipation of taxes, but in the future this will probably not be possible unless the budget is padded. Also hereafter we shall have to appropriate specific amounts of money, instead of the amount to be realized from a specific tax rate.

The Municipal Budget Committee has made the suggestion that in order to reduce the lag between our appropriations in September and the receipt of revenue therefrom about a year later, we could request the tax collector to send out the District bills separately in May, as soon as possible after the assessments on April 1st, and without waiting for the determination of the Town and School District tax rates. This could, however, further increase our surplus at the end of the fiscal year on August 31, and thereby reduce the amount of our next tax levy, and increase our need of borrowing in anticipation of taxes.

X. *Treasurer's Books.* In connection with obtaining data for the Municipal Budget Committee, we have discovered that no regular books of account have been kept by our Treasurers since the resignation of Ruth H. Fowler on October 10, 1954, and that the only available Treasurer's records thereafter are the condensed printed reports, bank statements, check books, cancelled checks, vouchers, and the like. We have,

therefore, employed an accountant to transfer this scattered data to the Treasurer's books in the form of orderly records. We recommend that at least \$100.00 be added to the budget for this purpose.

XI. *Taxes.* Under the budget and at the expense of the surplus, the District tax rate should be around \$2.00 for this coming fiscal year, as against \$2.50 for last year, for which year no funds have yet been received. The Town tax rate is expected to increase substantially again this year because of two factors: (a) Schools, including the Cooperative High School whose budget was increased \$83,000.00 last year, while our local School District budget was increased \$15,500.00; and (b) A substantial decrease (close to \$10,000.00) in receipts from the Interest and Dividend Tax.

XII. *Miscellaneous Matters.* Your Commissioners attended a legislative hearing at Hampton Beach this spring, and there successfully opposed a bill that would have allowed the Town of Hampton to buy the Hampton Water Works Company, with rate-making powers to be vested wholly in the Hampton Selectmen, without benefit of the regulatory powers of the Public Service Commission.

Your Commissioners also attending a hearing at Hampton Beach this August to oppose the closing of the present Hampton Beach Coast Guard Station, though favoring the addition of a sub-station at Hampton River.

XIII. *Annual Meeting.* All property owners and voters are invited to attend the annual meeting at 8:00 P. M. on Tuesday, September 1st, at the Griffith barn

on Atlantic Avenue. This is one of the rare occasions when the first Tuesday of September comes *before* Labor Day.

Respectfully submitted,

WILLIAM P. FOWLER,
ROBERT A. SOUTHWORTH,
PERCY C. ROGERS,

Commissioners.

August 29, 1959.

Zoning Inspector's Report

The following zoning permits have been issued during the fiscal year ending August 31, 1959:

Chester A. Parkhurst — Amended permits for one dwelling on each of Lots, 6, 7, 8, 9, 10, and 11, Locke Road, to comply with 25-foot set-back requirements on lot lines under Amendment of September 2, 1958; and revoking permits of April 10, 1958.

William P. Fowler — New kitchen window in Grey Gull Cottage.

Robert A. Southworth — Concrete floor to replace wooden floor in bath house.

John F. and Rachel T. County — Car-port for two autos, and store room.

Olive M. Ring — Conversion of two overnight cabins into one single-family motel unit.

As a result of the decision of the Supreme Court of New Hampshire last December, explained in detail in the Commissioners' Report, annual renewal permits are no longer necessary for business uses authorized by the Board of Adjustment under variances.

WILLIAM P. FOWLER,

Zoning Inspector.

August 29, 1959

Budget of the Village District of Little Boar's Head

in the Town of North Hampton

**Estimates of Revenue and Expenditures for the
Ensuing Fiscal Year September 1, 1959, to August 31,
1960, as recommended by the Municipal Budget Com-
mittee:**

SOURCE OF REVENUE

Interest	\$ 72.00
1/2 expense of lifeguard from Town	300.00
Cash Surplus (adjusted to 8/31/59)	1328.00

Total Revenue from all sources except district taxes	\$1700.00
Amount to be raised by Property Taxes	2350.00

Total Estimated Revenue **\$4050.00**

PURPOSE OF EXPENDITURES

Fire Department, current operating and maintenance expense	\$ 50.00
Police and lifeguard	750.00
Sidewalks	800.00
Parks and Commons	750.00
Control of Insects	800.00
Other:	
Zoning	500.00
Miscellaneous	250.00
Set aside for new lifeboat	150.00

Total Appropriation Recommended **\$4050.00**

Barbara G. Luther, Chairman	D. Morris Lamprey
William P. Fowler	George G. Carter
Martin W. Whenal	Raymond O. Hobbs

Municipal Budget Committee

August 7, 1959

Treasurer's Report

Fiscal Year Ending August 31, 1959

RECEIPTS

Balance in Treasury August 31, 1958:

Mechanicks National Bank,	
Concord	\$ 597.70
New Hampshire Savings Bank	2,000.00
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	\$2,597.70

From Interest on Deposits:

New Hampshire Savings Bank	
1/1/59	40.87
New Hampshire Savings Bank	
7/1/59	59.50

From Town of North Hampton:

Account taxes (1957)	24.53
Account taxes (1958)	3,151.32
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3,175.85

Miscellaneous Receipts:

From Estate Alvan T. Fuller	
(Fire Hose Destroyed)	375.00
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TOTAL RECEIPTS \$6,248.92

EXPENDITURES

Sidewalks

Joshua F. Drake	\$719.12
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Police Service

Frank C. Wheeler, Lifeguard	501.79
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Parks and Commons

Paul, Thomas, and Dean Quinlan,	
picking up papers and rubbish	
from beach and roadsides	\$640.00
Rye Beach — Little Boar's	
Head Garden club	300.00

J. A. Chisholm, lettering signs	20.54	
Joshua F. Drake, erecting beach signs	31.20	
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		991.74

Zoning

Addison Getchel & Son, Printing		
briefs for Vlahos case	247.00	
Hale, Sanderson, Byrnes & Morton,		
legal fees, Vlahos case	506.00	
William P. Fowler, legal fees,		
Vlahos case	508.75	
Margaret Laraba, copy of hearing,		
Vlahos case	3.15	
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		1,264.90

Miscellaneous

Hobbs Insurance Agency, Clerk's and		
Treasurer's bond	30.00	
Hampton Publishing Company,		
Printing Annual Reports	78.00	
District Director of Internal Revenue		
Withholding taxes	74.31	
Bank Service charges	2.89	
William P. Fowler, reimbursement		
for telephone calls	14.01	
Ralph H. George, reimbursement for		
postage	3.75	
Harry Naves, cleaning and painting		
rails	30.25	
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		233.21

Mosquito and Insect Control

Ralston Tree Service	130.00	
Ralston Tree Service	291.00	
Ralston Tree Service	148.00	
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		569.00

Fire Equipment

American Fire Equipment Co. (Fire hose)	627.20
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TOTAL EXPENDITURES	<u>\$4,906.96</u>
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Balance on hand August 29, 1959	
Mechanicks National Bank, Concord	29.99
Hampton National Bank	311.97
New Hampshire Savings Bank	1,000.00
	<u>1,341.96</u>
	\$6,248.92

Cash on hand August 29, 1959	\$1,341.96
Less reserves:	
Income tax withheld	63.20

Cash Available for 1959-1960	<u>\$1,278.76</u>
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RALPH H. GEORGE,

Treasurer.

LITTLE BOAR'S HEAD DISTRICT

August 24, 1959

Having examined the books and accounts of the Treasurer of Little Boar's Head District, I certify them to be correct.

PHILIP FOWLER,

Auditor.

Little Boar's Head District Five Year Analysis of Income and Expenditures

	1954-5	1955-6	1956-7	1957-8	1958-9
Tax Rate:	\$ 4.00	\$ 3.50	\$ 3.50	\$ 3.00	\$ 2.50
<i>Income:</i>					
District tax levy, less discount and abatements (except in 1956):	4,186.52	3,861.99	3,857.76	3,368.10	*\$2,868.50
Interest on deposits	23.24	1.44	43.01	115.39	100.37
Miscellaneous	7.00			1.15	375.00
TOTAL INCOME	\$4,216.76	\$3,863.43	\$3,900.77	\$3,484.64	*\$3,343.87
<i>Expenditures:</i>					
Fire Protection					627.20
Sidewalks	1,465.99	462.35	695.42	812.77	719.12
Police (including lifeguards)	636.38	651.10	695.00	507.34	501.79
Parks and Commons	586.80	568.80	602.74	696.00	991.74
Control of Insects & Mosquitos	608.00	1,012.00	580.00	522.00	569.00
Zoning			78.35	47.50	1,264.90
Miscellaneous	181.29	230.54	355.17	268.56	233.21
* plus or minus					
TOTAL EXPENDITURES	\$3,478.46	\$2,924.79	\$3,006.68	\$2,854.17	\$4,906.96